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DOCKET NO.: THOM-0016



**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James Lucas, et al.

Application No.: 09/889,537

Filing Date: October 25, 2001

**For: Apparatus And Method For Determining Dielectric Properties Of An
Electrically Conductive Fluid**

Confirmation No.: 5316

Group Art Unit: 2858

Examiner: Timothy J. Dole

DATE OF DEPOSIT: May 12, 2004

I HEREBY CERTIFY THAT THIS PAPER IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL
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P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Scott E. Scioli

TYPED NAME: Scott E. Scioli
REGISTRATION NO.: 47,930

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS PURSUANT TO 37 CFR § 1.192**

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **November 12, 2003** finally rejecting claims **1-4, 6, 7 and 9-15** of the above-identified patent application.

The item(s) checked below are appropriate:

Applicant(s) has previously claimed small entity status under 37 CFR §1.27.

05/17/2004 RMEBRAHT 00000014 09889537

01 FC:1401
02 FC:1253

330.00 OP
530.00 OP

Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as : \

Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Final Office Action dated November 12, 2003 which was due on February 12, 2004, to and through May 12, 2004 comprising an extension of the shortened statutory period of three month(s).

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	Fee	RATE	Fee
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$165	\$	\$330	\$330.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$210	\$	\$420	\$
<input checked="" type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$475	\$	\$950	\$950.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$740	\$	\$1480	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$1005	\$	\$2010	\$
<input checked="" type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$420.00)
TOTAL FEE DUE		\$0		\$860.00

A check in the amount of **\$860.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge my Deposit Account No. 23-3050 in the amount of **\$.00**. This sheet is attached in duplicate.

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37 CFR § 1.116

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

Date: May 12, 2004

Scott E. Scioli

Scott E. Scioli
Registration No. 47,930

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